



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 4, 1973

Honorable Jim Wallace, Chairman
Intergovernmental Relations Committee
Senate of the State of Texas
Austin, Texas

Letter Advisory No. 26

Re: The constitutionality of
S. B. No. 779 providing
for the supplementation
of salaries for the presid-
ing judge and judges of the
Texas Court of Criminal
Appeals by certain county
commissioners' courts.

Dear Senator Wallace:

Your letter of April 5, 1973, requests our opinion as to whether or not Senate Bill 779 violates Article 5, Section 4, or any other section of the Texas Constitution. The bill would authorize the commissioners courts of Harris, Dallas, Bexar and Tarrant counties to supplement the salaries of the presiding judge and the judges of the Court of Criminal Appeals.

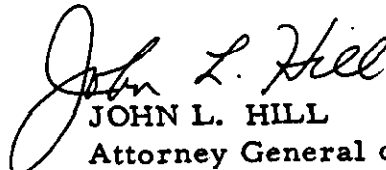
Although the Legislature is empowered to fix the amount of judicial compensation, its authority is limited by Article 5, Section 4, of the Texas Constitution which provides that the salaries of the judges and presiding judge of the Court of Criminal Appeals shall be "the same salaries as the Associate Justices of the Supreme Court." Article 5, Section 3, provides that the Chief Justice and Associate Justices of the Supreme Court receive "such compensation as shall be provided by law." See Attorney General Opinion M-1003 (1971).

The salaries of Supreme Court Associate Justices are not supplemented. Therefore Senate Bill 779 would allow a disparity between the compensation received by the judges and justices of the Texas Supreme Court and the Court of Criminal Appeals, and would violate Article 5, Section 4, of the Texas Constitution.

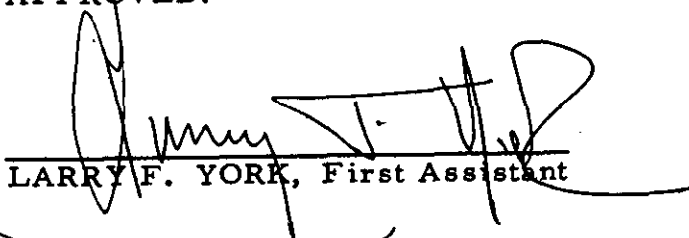
Honorable Jim Wallace, page 2 (L.A. No. 26)

For the foregoing reasons, it is our opinion that Senate Bill No. 779, if enacted, would be unconstitutional.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee